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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                    | CONFIRMATION NO.                   |
|--|-------------|----------------------|--|------------------------------------|
| 10/501,721   | 07/15/2004  | Ralf Neuhaus         | 2002P00503WOUS                         | 4880                               |
| <div>7590 01/24/2008<br/>Siemens Corporation<br/>Intellectual Property Department<br/>170 Wood Avenue South<br/>Iselin, NJ 08830</div> |             |                      | <div>EXAMINER<br/>ANWARI, MACEEH</div> |                                    |
|  |             |                      | <div>ART UNIT<br/>2144</div>           | <div>PAPER NUMBER</div>            |
|  |             |                      | <div>MAIL DATE<br/>01/24/2008</div>    | <div>DELIVERY MODE<br/>PAPER</div> |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/501,721 | Applicant(s)<br>NEUHAUS ET AL. |  |
|                              | Examiner<br>Maceeh Anwari     | Art Unit<br>2144               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-12, 14, 17-19 and 22-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 17-19 and 22-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the amendments filed on 10/23/2007. **Claims 10, 12, 14, 17, 19, 23, 24, 26, and 27** have been amended and **claims 13, 15, 16, 20 and 21** have been canceled and **claims 28-35** have been newly presented. No other claims have been amended, canceled, or newly presented. Accordingly, **claims 10-12, 14, 17-19, 22-35** are pending.

#### *Claim Objections*

2. **Claim 10** is objected to because of the following informalities: applicant should incorporate *is before addressable* (i.e. "wherein each component: is addressable").

Appropriate correction is required.

3. **Claim 26** is objected to because of the following informalities: applicant has problems with tense (i.e. "monitoring instruction is not receiveded"). Appropriate correction is required.

4. Applicant is advised to read over all claims and make appropriate corrections where necessary.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 10-12, 14, 17-19, 22-35** are rejected under 35 U.S.C. 102(e) as being anticipated by Coussement, U.S. Publication No.: 2002/0114278 A1.

Coussement teaches:

**Claim 10:** An arrangement, comprising: a plurality of network components comprising a monitoring component and a monitored component, each component comprising: a communication unit providing a direct communication to the other components (Figures 1-6 and Abstract & par. 1 & 3 & 28; communication network environment and communication devices) a memory to store an address of the monitoring component when the respective component is being monitored (Figures 1-6 and Abstract & par. 4 & 14 & 16 & 24; storage devices, contact lists and statistics), a processing unit, the processing unit monitors a state of the respective component and sends state information via the communication unit to the stored address when the respective component is being monitored, and the processing unit transmits a monitoring instruction to the monitored component when the respective component is monitoring (Figures 1-6 and par. 3-4 & 16; processors running CTI software and processors for multimedia communications and reporting), the monitoring instruction comprises the address of the respective monitoring component and sent directly to the monitored component via the communication unit (Figures 1-6 and Abstract & par. 16, 19; contact histories, reporting statistics and multimedia communication and reporting), wherein each component: addressable in a communication

network, monitorable by each of the other components via the processing unit, and equipped for monitoring each of the other components via the communication unit (Figures 1-6 and Abstract & par. 16, 19; contact histories, reporting statistics and multimedia communication and reporting).

**Claim 11:** Wherein the communication network is a packet switched network (Figures 1-6 and par. 8; Internet protocol network telephony).

**Claim 12:** Wherein a maximum number of addresses stored is predetermined (Figures 1-6 and par. 6 & 14; storage devices and furthermore it is inherent that a storage device will have a maximum number of addresses stored in it).

**Claim 14:** Wherein the monitoring instruction comprises information about which changes of state are to be sent as state information (Figures 1-6 and Abstract & par. 16, 19 & 82; agent monitoring activity states of IP phones and agent reporting communication and capability states of PC and IP phones).

**Claim 17:** Wherein the monitoring component uses the information about states or changes of state for visual indication (Figures 1-6 and Abstract & par. 16, 19, 67 & 82; e-mail, fax and instant messaging applications).

**Claim 18:** Wherein the monitored component can disable monitoring by individual or all monitoring components (Figures 1-6 and par. 22 & 71; authorizing and authenticating agents).

**Claim 19:** Wherein, while an acknowledgement to the monitoring component repeats the transmission of a monitoring instruction a stipulated intervals of time (Figures 1-6 and par. 94; periodic polling).

**Claim 22:** Wherein the information about the transmittability of the monitoring instruction can be used to determine a corresponding state for the component which is to be monitored (The limitation that the instruction "can be used to determine" is intended use and therefore is not being given any patentable weight. Furthermore, paragraph 80 shows that the polling determines whether a component is logged off or not).

**Claim 33:** Wherein each of the components are voice over IP telephones (Figures 1-6 and par. 28, 35 & 41; VoIP).

**Claim 34:** Wherein each of the components are telephony clients (Figures 1-6 and par. 8; Internet protocol network telephony).

**Claim 35:** Wherein each of the components is selected from the group consisting of telephone, telephony client, server, gateway, and gatekeeper (Figures 1-6 and par. 8; Internet protocol network telephony).

**Claims 10-12, 14, 17-18, 19, 22 and 33-35** are substantially the same as **claims 23-32** and are therefore rejected using the same rationale applied to **claims 10-12, 14, 17-18, 19, 22 and 33-35**.

Furthermore regarding **claim 30**, wherein the user is provided an input field for inputting a text message to be sent to the monitored component when the monitored component is busy (Figures 1-6 and Abstract & par. 16, 19, 67 & 82; instant messaging applications).

**Examiner Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

**Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.
3. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

4. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maceeh Anwari whose telephone number is 571-272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.



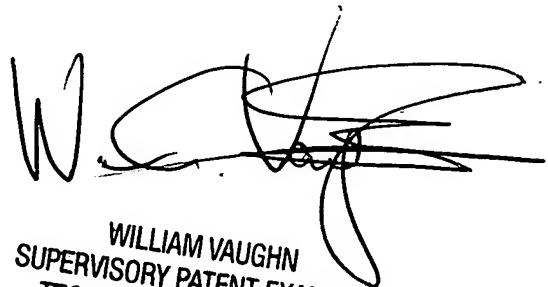
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

A handwritten signature in black ink, appearing to read 'W. Vaughn', is written over a horizontal line.

WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100